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**From:** David A. Ludder [davidaludder@enviro-lawyer.com]  
**Sent:** 11/16/2017 4:59:45 PM  
**To:** Biffi, Betsy [Biffi.Betsy@epa.gov]; Martinez, Brittany [Martinez.Brittany@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Covington, Jeryl [Covington.Jeryl@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]  
**Subject:** EPA File No. 13R-16-R4, ADEM's Lack of Authority  
**Attachments:** ATT00001.txt; ATT00002.txt; ATT00003.txt; Permit Revocation and Modification.pdf

Please see the attached emails and exhibits previously submitted to EPA regarding ADEM's lack of authority to address discrimination.

Also, please see Ala. Admin. Code rs. 335-13-5-.05 and -.06 which limit landfill permit revocation and modification to specific circumstances -- not including discrimination. Any attempt by ADEM to revoke or modify a permit based on a finding of discrimination would likely be met with an appeal by the permittee to the AEMC for exceeding its authority under Ala. Admin. Code rs. 335-13-5-.05 and -.06. In addition, the AEMC has already held that ADEM lacks statutory authority to consider discrimination.

*David*

David A. Ludder

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